



Underground Storage Tank & Stage I Vapor Recovery Guidance During State of Emergency for COVID-19 Pandemic

(Issue Date: April 28, 2020)

Effective March 10, 2020, and until 45 days following the termination of the state of emergency, the Massachusetts Department of Environmental Protection (MassDEP) is implementing the following Guidance resulting from the COVID-19 pandemic, and pertaining to the requirements specified below for the following MassDEP regulations:

- A. The Stage I Vapor Recovery Regulation (310 CMR 7.24(3))
- B. The Underground Storage Tank Regulation (310 CMR 80.00)

MassDEP will coordinate with other agencies in situations where MassDEP shares jurisdiction over a regulated entity's environmental compliance obligations. MassDEP will amend and update this Guidance if MassDEP determines modifications are necessary.

All other Stage I vapor recovery requirements under 310 CMR 7.24(3) and underground storage tank requirements under 310 CMR 80.00 not identified below are in effect and shall be met. MassDEP expects that all regulated entities will continue to operate in a manner that is safe and protects the public and the environment.

This document does not constitute "final agency action," and is not "regulation" as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this Guidance does not exempt any person from complying with any other applicable local, state or federal law.

The following regulatory requirements and deadlines are extended until 45 days after the termination of the State of Emergency:

A. Stage I Vapor Recovery Program (310 CMR 7.24(3))

1. Compliance testing and submittal of Annual Compliance Certifications (Form C) with submittal due dates during the time period that this Guidance is in effect. (310 CMR 7.24(3)(e)4.)
2. Compliance testing as applicable, and submittal of Alternative Annual Compliance Certifications (Form D1 & D2) with submittal due dates during the time period that this Guidance is in effect. (310 CMR 7.24(3)(e)5.)

3. Compliance testing and, or, submittal of annual compliance certifications subject to enforcement with compliance due dates during the time this Guidance is in effect.

B. Underground Storage Tank Program (310 CMR 80.00)

1. Third-party inspection and submittal of Third-Party Inspection Reports with due dates during the time period that this Guidance is in effect. (310 CMR 80.49(2))
2. Third-party inspection and submittal of Third-Party Inspection Return to Compliance Completion Reports with due dates during the time period that this Guidance is in effect. (310 CMR 80.49(7)(c)3.)
3. Submittal of Compliance Certifications with due dates during the time period that this Guidance is in effect. (310 CMR 80.34(1))
4. Submittal of Compliance Certification Return to Compliance Plans with due dates during the time period that this guidance is in effect (310 CMR 80.32(2)).
5. Third-Party Inspections and submittal of Third-Party Inspection Reports, Third-Party Inspection Return to Compliance Completion Reports, and Compliance Certifications and submittal of Compliance Certifications and Compliance Certification Return to Compliance Plans subject to enforcement with compliance due dates during the time this Guidance is in effect.
6. UST Compliance Tests: Required UST component “operational” tests to determine components are operating correctly, due during the time period that this Guidance is in effect, including, but not limited to testing of: turbine, intermediate and dispenser sumps, spill buckets, leak detection systems, automatic line leak detectors, overfill prevention equipment, and cathodic protection if applicable. (310 CMR 80.26 – 80.29)

Upon termination of the state of emergency UST and Stage I facility Owners, Operators, and Responsible Officials shall have 45 days to come into compliance with the requirements that are subject to this Guidance.

For more information, call:

1. Stage I Program: (617) 556-1035 #1
2. UST Program: (617) 556-1035 #2